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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: NATHAN WILLIAMS, AICP, SENIOR PLANNER
(480) 503-6805, NATHAN.WILLIAMS@GILBERTAZ.GOV *NW*

THROUGH: AMY TEMES, INTERIM PRINCIPAL PLANNER
(480) 503-6729, AMY.TEMES@GILBERTAZ.GOV *AT*

MEETING DATE: AUGUST 1, 2018

SUBJECT: UP18-07 (UP12-05-C), ELEGANT BARN: REQUEST TO MODIFY AN EXISTING CONDITIONAL USE PERMIT FOR APPROXIMATELY 1.1 ACRES OF REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF GREENFIELD ROAD AND HOUSTON AVENUE IN THE SINGLE FAMILY RESIDENTIAL - 43 (SF-43) ZONING DISTRICT BY MODIFYING A CONDITION OF APPROVAL TO ALLOW FOR THE SERVICE OF ALCOHOL AT THE BANQUET FACILITY IN ACCORDANCE WITH STATE AND LOCAL LAWS.

STRATEGIC INITIATIVE: Community Livability

This existing banquet facility provides a location for social gatherings, wedding receptions, anniversaries, birthday parties and similar events for the community.

RECOMMENDED MOTION

Make the Findings of Fact and approve UP18-07 (UP12-05-C) Elegant Barn: Request to modify an existing Conditional Use Permit for approximately 1.1 acres of real property generally located at the northeast corner of Greenfield Road and Houston Avenue in the Single Family Residential - 43 (SF-43) zoning district by modifying a condition of approval to allow for the service of alcohol at the banquet facility in accordance with state and local laws.

APPLICANT/OWNER

Company: Brennan Ray
 Name: Burch & Cracchiolo
 Address: 702 E. Osborn Rd. Ste 200
 Phoenix, AZ 85014
 Phone: 602-234-8794
 Email: bray@bcattorneys.com

Company: Dennis & Stella Elliott
 Address: 3914 N. Pinnacle Hills Circle
 Mesa, AZ 85207
 Phone: 408-483-7011
 Email: dennis@theelegantbarn.com

BACKGROUND/DISCUSSION**History**

| Date | Description |
|--------------------------|---|
| <i>April 11, 2006</i> | The Town Council approved A05-26 annexing this Greenfield Baseline County Island area including the subject property. |
| <i>August 2, 2012</i> | The Zoning Administrator approved case AUP12-05; an administrative use permit for shared parking between the subject site and the Spirit of Joy Lutheran Church to the south. |
| <i>October 3, 2012</i> | The Planning Commission approved case UP12-05; a conditional use permit allowing the banquet facility to operate in the Single Family Residential SF-43 district, with stipulations limiting the operating hours and days of week and prohibiting the use of live bands. |
| <i>November 15, 2012</i> | Case UP12-05 was appealed to the Town Council (AP12-01). The Town Council upheld the Planning Commission approval of case UP12-05, with additional stipulations setting a maximum occupancy of 233 and prohibiting: a) parking on the west side of Greenfield; b) the use of speakers outside of the facility; and c) prohibiting the consumption/service of alcohol. |
| <i>January 8, 2014</i> | Received Certificate of Occupancy from the Town. |
| <i>February 4, 2015</i> | The Planning Commission amended UP12-05 under UP14-11 for Elegant Barn to modify the existing Conditional Use Permit and amend the conditions of approval (listed below). |
| <i>June 6, 2018</i> | The Planning Commission reviewed UP18-07 (UP12-05-C) as a study session item. |

Surrounding Land Use & Zoning Designations:

| | Existing Land Use Classification | Existing Zoning | Existing Use |
|-------|---|--------------------------------------|---|
| North | Residential > 0-1 DU/Acre | Single Family Residential 43 (SF-43) | Non-Residential Uses (Plasterers of Arizona) |
| South | Residential > 0-1 DU/Acre and Residential > 1-2 DU/Acre | Single Family Residential 43 (SF-43) | Houston Ave. then Spirit of Joy Lutheran Church |
| East | Residential > 0-1 DU/Acre | Single Family Residential 43 (SF-43) | Large Lot Residential Uses |

| | | | |
|------|-----------------------------|--|--|
| West | Residential > 3.5-5 DU/Acre | Single Family Residential 7 (SF-7) PAD | Greenfield Road then Val Vista Lakes Community |
| Site | Residential > 0-1 du/acre | Single Family Residential 43 (SF-43) | Elegant Barn |

Overview

The existing banquet facility is located on a 1.11 acre lot at the northeast corner of Greenfield Road and Houston Avenue. Under UP18-07 (UP12-05C) the applicant is requesting modification to allow alcohol to be served at the Elegant Barn facility.

The facility has been operating under Conditional Use Permit (UP12-05), approved by the Planning Commission in October 2012 (UP12-05) and the Town Council in November 2012 (AP12-01), and has been open to the public since February 27, 2014. Staff notes that UP12-05 was later amended by the Planning Commission under UP14-11 (UP12-05-B) on February 4, 2015. For reference, the following conditions were adopted or modified at different stages throughout the Use Permit process.

Administrative Use Permit (AUP12-05) for shared parking

- 4 guests allowed per each parking space.
- Required 21 spaces minimum onsite.

Planning Commission (UP12-05, October 3, 2012)

- Shall be in substantial conformance with original site plan, traffic coordination plan and operating procedures plan.
- Limited hours of operation to 10am to 10pm and excluded Wednesdays and Saturdays from the days of operation.
- Live bands shall not be permitted; however, individual live performers may be permitted.

Town Council Appeal (AP12-01, November 15, 2012)

- Upheld Planning Commission approval
- Added condition for no parking across Greenfield Road.
- Added condition for no speakers outside of facility.
- Added condition for no alcohol at facility.
- Limited maximum occupancy to 4 persons per onsite or offsite (contracted) spaces and to 233 persons in the barn.

Planning Commission (UP14-11, February 4, 2015)

The Planning Commission amended the existing Use Permit for Elegant Barn with the following conditions of approval:

- The VVV LLC facility ("Banquet Facility") shall be in substantial conformance with [the] site plan, [the] Traffic Coordination Plan, and [the] Operating Procedures Plan dated October 3, 2012.

- The 2015 CUP modified the above condition to read: Pedestrians crossing from The Spirit of Joy parking lot to The Elegant Barn Venue may use the improved Houston Ave. alignment with the assistance of private traffic controllers.
- The allowable days are every day of the week with the exception of Sunday and hours of operation include from 7:30 am to 11:00 pm. All music at the banquet facility must end by 9:30 pm, the event must end by 10:00 pm with the exception of New Year's Eve when the event must end with music off by 12:15 am and all onsite activity ceasing by 1:00 am.
- Parking shall be subject to and conform to the provisions of the shared parking approval contained in AUP12-05.
- Speakers may be used up to 15 feet outside of the main barn doors (courtyard facing) for ceremony music, low-level dinner music and short announcements only as long as the Town Noise Ordinance requirements (Municipal Code Section 42-61 (e)) can still be met at the banquet facility property line. Speakers for dance music will be kept indoors.
- The number of musicians allowed in the outdoor area will be limited to no more than seven (7) performers for low-level ceremony and dinner music, as long as the Town Noise Ordinance requirements (Municipal Code Section 42-61 (e)) can still be met at the banquet facility property line.
- No alcohol shall be permitted.
- The number of occupants permitted to use the Banquet Facility shall be the maximum of four (4) persons times the number of parking spaces provided onsite and offsite (designated by contract), provided; however, that the occupancy of the barn shall not exceed 233.
- No parking shall be permitted on the west side of Greenfield Road.

DISCUSSION

The existing banquet facility site abuts Single Family-43 (SF-43) zoning on the north and east sides with the Spirit of Joy Lutheran Church to the south. Carriage Parc Estate (SF-15) is across the canal to the southeast. To the west, the site has a single access point to Greenfield Rd. (minor arterial), which contains two lanes in each direction with a continuous center turn lane. The site also has rights to a private access easement along the south side of the property (the Houston Avenue alignment), which extends approximately 1790' east from Greenfield Road, approximately 360' from Greenfield Road are paved with asphalt, while the remainder of the eastern portion of Houston Avenue is unpaved. Houston Avenue is the primary access for 7 homes, with secondary access from Desert Lane to the north.

The approximate 3,500 sq. ft. barn, located near the southeast corner of the site, and an approximate 7,000 sq. ft. grass area, is situated north of the barn and is used by guests and

patrons. From this grass area, the closest adjoining SF-43 residential home appears to be located approximately 145' to the northeast of the existing barn.

The owner has expressed that his business has worked hard to be a very good and trustworthy neighbor to the nearby residents and if granted his request to modify the condition and allow the use of alcohol for the Elegant Barn facility, he would continue to work on this important relationship and to comply with all Town regulations and noise ordinances.

As such under UP18-07 the applicant is proposing the following modifications to the existing Use Permit (UP12-05/ UP14-11):

- Eliminate the existing condition prohibiting the use of alcohol, thus allowing the Banquet Facility to serve alcohol.

Use of Alcohol

The applicant is requesting to remove the condition prohibiting the use of alcohol to be competitive with other banquet facilities and to remove the negative impact it has on his business in terms of losing potential event bookings. The facility is not requesting to have a liquor license, but instead would hire licensed 3rd party vendors who would carry their own liability and would be responsible for the serving of alcoholic beverages.

Elegant Barn staff will continue to provide traffic control as they have in the past along the Houston Avenue alignment, including opportunities for clients and their guests to use taxis, ride-sharing services, limousines, and local hotel shuttle services.

The use of alcohol was discussed as a point of concern by residents, Planning Commissioners, and Town Councilmembers during the review/appeal of case UP12-05. The original operating plan that was approved by Planning Commission on October 3, 2012 stated that the venue would not offer an “open bar” service – therefore alcohol use was somewhat restricted with the original Planning Commission approval, but not entirely. According to the Planning Commission minutes, the decision to not further restrict alcohol was made in order to not limit the business owner’s opportunity to increase their revenue. However, at the appeal hearing, the Town Council added the language to restrict it completely (not just to limit it to no open bar). The language read into the motion was “alcohol will not be allowed at the facility...” At the time of the original application, the business owner specifically requested alcohol service with “no open-bar,” and it remains his goal to provide such service through a 3rd party vendor.

Staff Response: It is not typical practice to limit the use of alcohol at locations operating legally as a commercial business (whether by straight zoning or a CUP). Staff agrees that the use of a licensed vendor will provide assurance that alcohol will be dispensed in a manner compliant with legal requirements related to alcohol sales and consumption.

Previous Neighborhood Concerns and Feedback: The primary concerns over the use of alcohol general expressed by the neighbors at the UP12-05 and UP14-11 public hearings are as follows:

- Potential noise levels increasing.

- Traffic impact and potential for parking on nearby neighborhood streets (Houston Avenue alignment and Desert Lane, Carriage Park and Val Vista Lake Estate streets).
- Concern about safety of the Houston Avenue alignment entry from Greenfield Road and use of an existing access onto the Houston Avenue alignment.
- Concern about drinking drivers and potential guest behavior.

Summary of Applicant's Response and Feedback

The applicant thoroughly detailed in their project narrative (attached) how they have addressed all neighborhood concerns and has additionally provided an inventory of other similar facilities within the area that do not have the same restrictions as the Elegant Barn and are permitted to serve alcohol and that this creates a competitive disadvantage for the Elegant Barn facility.

The applicant notes that the proposed Use Permit modification to allow a licensed, insured 3rd party vendor to serve alcohol meets the LDC's Use Permit criteria. The location of the Elegant Barn along an arterial street (Greenfield Road), with direct access to/from the arterial street (without the need for access to/from the residences east of the Site), is an appropriate use for this site. The Elegant Barn owners feel that they have taken great lengths to ensure that the Elegant Barn's operations are compatible with the surrounding area. The existing procedures and policies that are used to successfully operate the Elegant Barn will be applied to a licensed, insured 3rd party vendor serving alcohol to customers and guests of the event. State and local laws will be followed in serving the alcohol.

The Elegant Barn owner notes that the facility has been operating for more than four years without any significant incident. The Elliott's believe that they have demonstrated through their operations that the banquet facility does not unreasonably interfere with the use and enjoyment of the nearby properties and that considerable measures have been taken to ensure that traffic and noise is mitigated. The same efforts will be applied to the service of alcohol by a licensed, insured 3rd party vendor on the subject site.

The Elegant Barn narrative additionally notes that it has hosted more than 250 events since opening without incident. The Elliott's have operated the Elegant Barn in conformance with the state and local laws and in accordance with the 2012 and 2015 CUP. However, since opening in 2014, the Elliott's have faced increasing challenges to successfully run the Elegant Barn without the ability to have the option to serve alcohol. The Elegant Barn faces competition from existing facilities, as well as, new venues that have recently started operating and are able to serve alcohol. In 2015, the owners note they lost approximately 48% of potential clients because of the alcohol restriction; in 2016 they lost approximately 49%; and in 2017, they lost approximately 57% of potential clients. The Elliott's estimate that the loss of this business between 2015-2017 has cost them and the other Gilbert-based Elegant Barn vendors, approximately \$2,600,000 in lost revenue.

FINDINGS

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

The Elegant Barn banquet facility has been operating under an existing Conditional Use Permit (UP12-05) for over four (4) years, and has established a suitable precedent of handling wedding events etc. The banquet facility offers public gatherings and events such as wedding receptions, birthday parties, anniversaries, meeting and public assembly events. Suitable access is provided to the site from Greenfield Road and adequate parking is available. Improvements have been made to help facilitate safe pedestrian crossings and to provide a safe, more direct passage between the shared parking lots. The proposed modification to allow the use of alcohol is consistent with the operations of other commercial/non-residential uses in proximity to residential areas, adjacent to and with access from minor arterial roadways.

2. The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.

The banquet facility conforms to the General Plan land use classification for the area, which is Residential > 0.1 DU/Acre. The General Plan recognizes that various types of non-residential uses such as churches, schools, etc. including a banquet facility on a large lot is compatible with residential areas to provide services and operate as a complimentary use.

The General Plan Community Design Element discusses Commercial Design as;

“Typically located with existing or planned residential neighborhoods. Through noise mitigation, lighting design, landscaping and sustainable construction practice, impacts of these uses on residential neighborhoods can be substantially reduced.”

3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

As conditioned, the Elegant Barn banquet facility conforms to the intent of allowing commercial businesses in residential districts; where these sites are situated along arterial roads, and meets parking, landscape, and screening requirements. The extended hours of operation and the provision of music and speakers would not be inconsistent with other commercial businesses or the Town noise ordinance. The proposed use of a licensed 3rd party vendor will provide assurance that alcohol will be dispensed in a manner compliant with legal requirements related to alcohol sales and consumption.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

The Elegant Barn banquet facility, as conditioned, has been operating in a manner that does not unreasonably interfere with the use and enjoyment of nearby properties. The closest adjoining SF-43 residential home appears to be located approximately 145' to the northeast of the existing barn and approximately 320 feet from the Single Family-7 (SF-7) Tanglewood Cove Unit II at Val Vista Lakes residential subdivision to the west; and approximately 270 feet from the Carriage Parc Estates Single Family – 15 (SF-15) residential subdivision located toward the southeast and separated by the Spirit of Joy building and parking lot and the canal. The applicant/owner has provided significant details to help demonstrate how the proposed modifications in business operations will be monitored to help keep the business operating as a compatible use to the neighborhood.

The Town of Gilbert Code Enforcement Division has provided written response that there was one violation on the subject site, addressed through Code Enforcement that revolved around the utilization of residential properties for overflow parking; and that once the property owner were made aware of applicable restrictions, the Elegant Barn has complied.

Pursuant to the above analysis, Staff is of the opinion that the project meets the four findings required for granting the modified Conditional Use Permit.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

The applicant held a neighborhood meeting at the Elegant Barn facility on May 9, 2018. One neighbor was in attendance, minutes from the neighborhood meeting are attached below.

Additionally at the time this report was written, staff has received a combination of phone calls from one of the surrounding neighbors and three (3) emails of opposition from surrounding property owners, attached below.

Staff has also received a letter of support from the Gilbert Chamber of Commerce and one email of support from a surrounding property owner. Additionally, the applicant has provided approximately 23 letters of support from a combination of surrounding property owners and vendors that participate in events at the Elegant Barn facility, all letters are attached below.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

PLANNING COMMISSION STUDY SESSION – JUNE 6, 2018

The Planning Commission discussed UP18-07 (UP12-05-C) as a study session item on June 6, 2018. Comments and questions from the Planning Commission included the following:

- How much of the overflow parking has been used and what are the now established traffic patterns of vehicles and pedestrians for a typical event. There were prior discussions that there were lots up the street that were being used for parking.
- Questions regarding the reasoning of the Town Council in 2012, to create the condition that prohibited the use of alcohol on the subject site under UP12-05.
- Questions regarding if there are other similar banquet facilities, and if alcohol is being served at other similar facilities.
- The comment was made that the restriction of alcohol at the Elegant Barn facility did appear to be a disadvantage for the facility and that every business in Town should be able to operate under similar competitive conditions.
- Planning Commissioners felt the applicant should reach out to the neighbors to see if they would be able to gain any additional support.

The applicant has provided written responses (attached) regarding comments/questions by the Planning Commission at the June 6, 2018 study session.

STAFF RECOMMENDATION

Move to make the Findings of Fact and Approve UP18-07 (UP12-05-C) Elegant Barn: Request to modify an existing Conditional Use Permit for approximately 1.1 acres of real property generally located at the northeast corner of Greenfield Road and Houston Avenue in the Single Family Residential - 43 (SF-43) zoning district by modifying a condition of approval to allow for the service of alcohol at the banquet facility in accordance with state and local laws, subject to conditions:

- 1) Allow for the service of alcohol on the subject site, by a license vendor in accordance with state and local laws.
- 2) All original conditions of Use Permit Nos. UP12-05 and UP14-11 (UP12-05-B) that are not being modified as part of this request will remain in effect.

Respectfully submitted,



Nathan Williams, AICP
Senior Planner

Attachments and Enclosures:

- 1) Findings of Fact
- 2) Notice of Public Hearing
- 3) Site Plan
- 4) Project Narrative (12 pages)
- 5) Applicant Response to Planning Commission Study Session - June 6, 2018 (2 pages)
- 6) Letter of Support from Gilbert Chamber of Commerce
- 7) Neighborhood Meeting Minutes May 9, 2018 (2 pages)
- 8) Correspondence of Opposition (4 pages)
- 9) Correspondence of Support/Non-Opposition (23 pages)

**FINDINGS OF FACT
UP18-07 (UP12-05-C) – Elegant Barn**

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

Notice of Public Hearing

PLANNING COMMISSION DATE:

Wednesday, August 1, 2018* TIME: 6:00 PM

**LOCATION: Gilbert Municipal Center
Council Chambers
50 E. Civic Center Drive
Gilbert, Arizona 85296**

*** Call Planning Department to verify date
and time: (480) 503-6805**

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

REQUESTED ACTION:

UP18-07 (UP12-05-C) Elegant Barn: Request to modify an existing Conditional Use Permit for approximately 1.1 acres of real property generally located at the northeast corner of Greenfield Road and Houston Avenue in the Single Family Residential 43 (SF-43) zoning district by modifying a condition of approval to allow for the service of alcohol at the banquet facility in accordance with state and local laws.

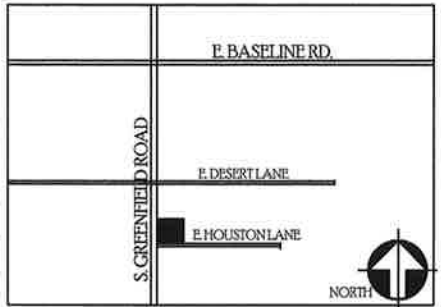
SITE LOCATION:



**APPLICANT: Burch & Cracchiolo, P.A.
CONTACT: Brennan Ray
ADDRESS: 702 E. Osborn Road, Ste. 200
Phoenix, AZ 85014**

**TELEPHONE: (602) 234-8794
E-MAIL: bray@bcattorneys.com**

The
Elegant Barn
EVENT VENUE
www.theelegantbarn.com
480-813-2007



VICINITY MAP

SITE INFORMATION

- 1. NET ACRES: 1.11 AC.
48,613 S.F.
- 2. THIS IS A IRRIGATED PROPERTY WITH OVERLAY RETENTION AREA. SEE GRADING & DRAINAGE PLAN
- 3. ZONING: SF-43
- 4. APN: 304-08-113
- 5. ALL PARKING SPACES ARE 9' X 19' PER TOWN OF GILBERT STANDARDS

SITE DATA

| | |
|----------------------|---------------|
| NEW SCREEN WALL: | 100 LF |
| EXISTING GARAGE: | 750 SQ. FT. |
| EXISTING REAR PATIO: | 100 SQ. FT. |
| EXISTING RESIDENCE: | 2,574 SQ. FT. |
| EXISTING BARN: | 2,870 SQ. FT. |
| TOTAL AREA: | 6,294 SQ. FT. |

LEGAL DESCRIPTION

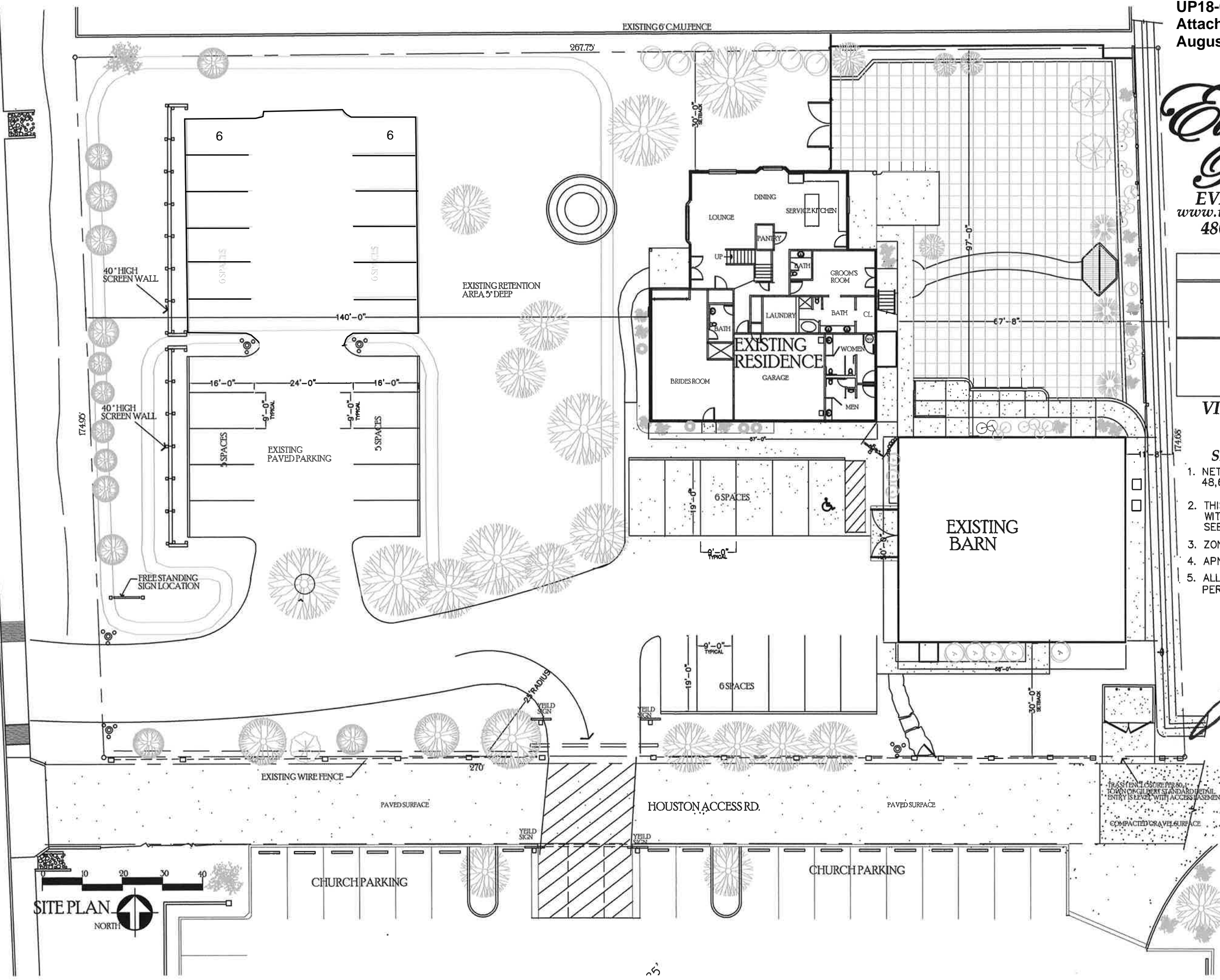
| | |
|----------------------------|----------------|
| LOT AREA: | 48,613 SQ. FT. |
| MAX. ALLOWED LOT COVERAGE: | 30% |
| ACTUAL LOT COVERAGE: | 13% |
| STORIES PROPOSED: | 2 |

PARCEL NO: 304-08-113
ZONING: SF-43
SECTION 3, TOWNSHIP 1S, RANGE 6E
MARICOPA COUNTY, ARIZONA

| | |
|-----------------|--|
| GOVERNING CODES | 2006 IRC 2006 IFC 2006 IMC 2006 IPC 2006 IFGC 2006 IECC 2005 NEC |
|-----------------|--|

DRAWINGS PREPARED BY:
FREDERICK L. CRANDALL
ARCHITECT AZ#23468
922 N. GILBERT RD.
MESA, ARIZONA 85203

NORTH GREENFIELD ROAD





MEMORANDUM

To: Linda Edwards/Nathan Williams
From: Brennan Ray
Date: May 10, 2018
RE: **The Elegant Barn**
Modification Request of UP14-11
South of the Southeast Corner of Greenfield Road and Baseline Road, at
Houston Avenue Alignment

I. INTRODUCTION

Dennis and Stella Elliott are the owners and operators of the Elegant Barn, a unique rustic banquet facility located on approximately 1.11 acres south of the southeast corner of Greenfield Road and Baseline Road, at the Houston Avenue alignment (the “Site”). *See Exhibit 1, Aerial Map.* The Elegant Barn has become recognized as a destination wedding venue which has hosted events for families from many states. These destination events contribute greatly to the local Gilbert economy (hotels, restaurants, entertainment, and various other shops) as well as contributing tax dollars for the Town and State. The Elliotts have made a substantial investment in the Elegant Barn and the Town through: significant upgrades to the Site to reflect the Town’s rural style and heritage; creating a family-oriented venue that is comfortable and safe for their clients and guests; and encouraging their clients to use Gilbert-based businesses for catering, entertainment, flowers, photos, hotel rooms, food, entertainment and other things.

The Elliotts obtained a Conditional Use Permit (“CUP”) in 2012 (UP12-05) for the event facility, completing numerous upgrades, improvements, and enhancements before opening for business in January 2014. On March 2015 the 2012 CUP was modified to amend the conditions of approval (UP14-11). The Elliotts now seek to amend 2015 CUP to modify the alcohol restriction to allow a licensed, insured, 3rd party vendor to serve alcohol on the Site consistent with state and local laws.

The Elliotts and their team have worked diligently to create an atmosphere that captures the family oriented, peaceful, and inviting charm that defines the Town of Gilbert. *See Exhibit 2, Site Plan.* Of importance when hosting events is that the venue does not impact the surrounding neighborhood(s) and conforming with the Town’s Code and Land Development Code, which the Elliotts believe they have accomplished in the four years that they have been operating as an event venue. The Elliotts have taken a property that had fallen into disrepair and neglect and created a venue of beautiful rustic charm with spacious lawns, an inviting garden courtyard, and cozy farmhouse for families and businesses to enjoy for their special occasions and create special moments and memories. Feedback the Elliotts have received from customers supports the efforts the Elliotts have made to create lasting memories:

M. Brennan Ray
702 East Osborn Road, Suite 110
Phoenix, Arizona 85014
(602) 234-8794 (Tel.)
(602) 850-9794 (Fax)
bray@bcattorneys.com

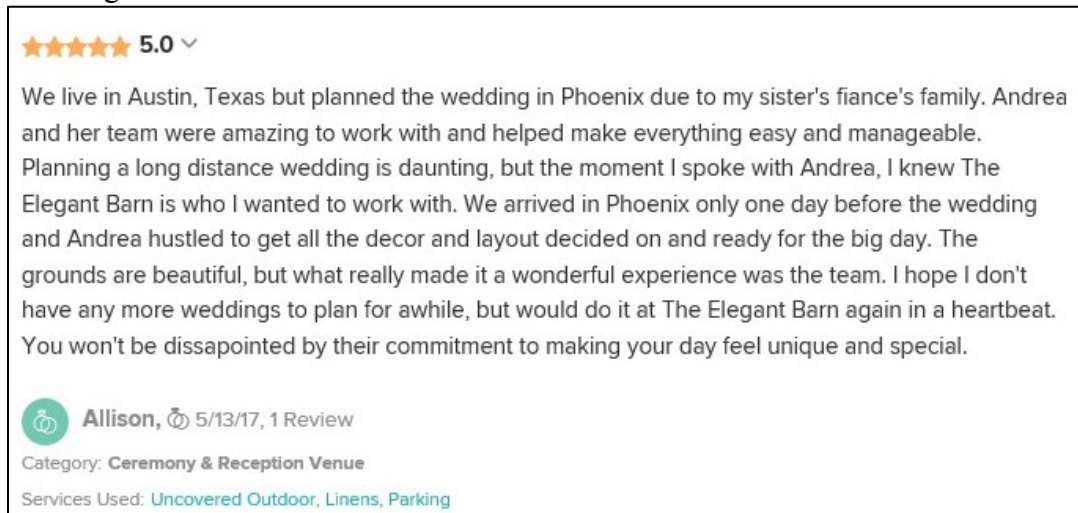


RE: The Elegant Barn
CUP Modification
May 10, 2018

From Facebook:



From Wedding Wire:



From an Elegant Barn vendor on Facebook:



Photographers compliment the venue because it helps capture one of the most important moments in life. The warm glow of the Arizona setting sun, moving across the barn, lawns, and



RE: The Elegant Barn
CUP Modification
May 10, 2018

gardens, provides the perfect setting for memorable, romantic wedding photos. Couples feel as if they are in a storybook setting in-the-midst of their own very real fairytale.

In addition to positive customer feedback, The Elegant Barn has achieved enviable social media rankings and awards:

- Couples Choice Award (Wedding Wire with a 4.8 out of 5 in 2016 and 2017)
- Amazing review rankings from many other social media sites (on a scale of 1 through 5)
 - The Knot 5,
 - Facebook 4.9
 - Yahoo 4.7
 - Google 4.5

The Elegant Barn has hosted more than 250 events since opening without major incident. The Elliott's have operated the Elegant Barn in conformance with the state and local laws and in accordance with the 2012 and 2015 CUP. However, since opening in 2014, the Elliott's have faced increasing challenges to successfully run the Elegant Barn without the ability to have the option to serve alcohol by a licensed, insured 3rd party vendor during events. The Elegant Barn faces competition from existing facilities as well as new venues that have recently started operating that are able to serve alcohol. In 2015, the Elliott's lost approximately 48% of potential clients because they were unable to serve alcohol; in 2016 they lost approximately 49%; and in 2017, they lost approximately 57% of potential clients. The Elliott's estimate that the loss of this business between 2015-2017 has cost them and the other Gilbert-based vendors that would have been used approximately \$2,600,000 in lost revenue, which in turn causes the Town to lose tax revenue and opportunities for other Gilbert businesses to miss out on additional revenue.

II. SITE AND SURROUNDING AREA

The Site is designated on the Town's General Plan as Residential (0-1 du/ac) and is zoned SF-43. The existing surrounding land use General Plan and zoning designations are:

| | General Plan Designation | Zoning Category | Existing Use |
|--------------|--|------------------------|---|
| North | Residential (0 – 1 du/ac) | SF-43 | Large lot residential subdivision along Desert Ln |
| South | Residential (0 – 1 du/ac) Residential (1 – 2 du/ac) | SF-43 and SF-15 | Houston Ave. alignment, Spirit of Joy Lutheran Church and Carriage Parc residential subdivision |
| East | Residential (0 – 1 du/ac) | SF-43 | Large lot residential subdivision along Desert Ln. and Houston Ave. |
| West | Residential (3.5 – 5 du/ac) | SF-7 | Greenfield Rd. and Tanglewood Cove Unit II at Val Vista Lakes |



RE: The Elegant Barn
CUP Modification
May 10, 2018

III. 2012/2015 CUP HISTORY AND CONDITIONS OF APPROVAL

A brief history of The Elegant Barn is as follows:

- The Elliotts purchased the Site in April 2012.
- In August 2012 the Town's Zoning Administrator approved case AUP12-05, an administrative use permit for shared parking with The Spirit of Joy (adjoining property to the south).
- In October 2012 the Planning Commission approved case UP12-05 allowing the banquet facility to operate in the SF-43 zoned property with conditions of approval. The case was appealed to the Town Council and in November 2012, the Town Council upheld the Planning Commission approval of case UP12-05 with additional conditions of approval.
- The grand opening was on February 27, 2014.
- In February 2015, the Planning Commission approved case UP14-11 (modification to UP12-05).
- Approximately \$97,000 has been spent by the Elliotts to satisfy the Neighborhood concerns as stipulated in the Conditions of Approval by: paving and widening the Houston Avenue alignment, traffic coordinators at each event, camera systems, additional signage, striping, lighting for the church parking area and venue entry points, and sound-proofing the barn by adding significant insulation and material to the roofs and walls.

The 2012/2015 Conditions of Approval applicable to the Site are:

- *The VVV LLC facility ("Banquet Facility") shall be in substantial conformance with [the] site plan, [the] Traffic Coordination Plan, and [the] Operating Procedures Plan dated October 3, 2012.*
 - The 2015 CUP modified the above condition to read: *Pedestrians crossing from The Spirit of Joy parking lot to The Elegant Barn Venue may use the improved Houston Ave. alignment with the assistance of private traffic controllers.*
- *The allowable days are every day of the week with the exception of Sunday and hours of operation include from 7:30 am to 11:00 pm. All music at the banquet facility must end by 9:30 pm, the event must end by 10:00 pm with the exception of New Year's Eve when the event must end with music off by 12:15 am and all onsite activity ceasing by 1:00 am.*
- *Parking shall be subject to and conform to the provisions of the shared parking approval contained in AUP12-05.*



RE: The Elegant Barn
CUP Modification
May 10, 2018

- *Speakers may be used up to 15 feet outside of the main barn doors (courtyard facing) for ceremony music, low-level dinner music and short announcements only as long as the Town Noise Ordinance requirements (Municipal Code Section 42-61 (e)) can still be met at the banquet facility property line. Speakers for dance music will be kept indoors.*
- *The number of musicians allowed in the outdoor area will be limited to no more than seven (7) performers for low-level ceremony and dinner music, as long as the Town Noise Ordinance requirements (Municipal Code Section 42-61 (e)) can still be met at the banquet facility property line.*
- *No alcohol shall be permitted.*
- *The number of occupants permitted to use the Banquet Facility shall be the maximum of four (4) persons times the number of parking spaces provided onsite and offsite (designated by contract), provided however that the occupancy of the barn shall not exceed 233.*
- *No parking shall be permitted on the west side of Greenfield Road.*

IV. NEIGHBORHOOD CONCERNS

Throughout the public hearings for the CUP in 2012 and 2015, concerns voiced by area neighbors included:

- Potential noise levels.
- Traffic impact and potential for parking on nearby neighborhood streets (Houston Avenue alignment and Desert Lane, Carriage Park and Val Vista Lake Estate streets).
- Concern about safety of the Houston Avenue alignment entry from Greenfield Road and use of an existing personnel gate onto the Houston Avenue alignment.
- Concern about drinking drivers and potential guest behavior.

To address those concerns, the Elliotts have undertaken the following actions:

1. Potential noise levels

- a. Added additional insulation to the barn walls and added additional roofing to the barn to mitigate potential noise/sound pollution from the barn.
- b. Required all dance music is restricted to inside the barn (93db inside = 55db at property line).
- c. Required any outside low level amplified sound for announcements and /or dinner level music to be 55db at the property line.
- d. Required any outside amplified speakers to be within 15ft. of the courtyard barn doors.



RE: The Elegant Barn
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- e. Required all amplified music to be turned off by 9:30 pm on all days of operation except News Year's eve where it must be stopped by 12:15 am.
- f. Required all events to be concluded by 10 pm on all evenings except for New Year's Eve where closing time is 1:00 am.
- g. A professional sound engineer was hired to conduct sound studies that showed conclusively that sounds from the venue meet the stipulations and complied with the Town's Noise Ordinance.

There have been no validated noise complaints over the four years of operations.

2. Traffic impact on the adjacent properties

- a. Hired a professional traffic engineer who did traffic measurement studies and analysis and determined that traffic using the parking lots for events would not impact the neighborhood.
- b. Entered a shared parking agreement with the Spirit of Joy church and recorded an easement with the county documenting the agreement. The agreement was approved by the Town Zoning Administrator as AUP12-05 in August 2012.
- c. Reached an agreement with Grace Covenant Church for additional shared parking when needed on a non-interference basis.
- d. Hired and trained traffic staff that are used at all events to direct guest parking and provide safe traffic control on all parking facilities being used along the Houston Avenue alignment.
- e. Two parking areas were constructed on the Site to provide additional parking.

There has been one code violation for parking in a residential neighborhood. The Elliotts rented a neighbor's empty lot three properties to the east on the Houston Avenue alignment and parked cars on it during an event. The Elegant Barn owners did not realize the Town's Code does not allow parking on the SF-43 zoned property because other neighbors have used it on numerous occasions for their gatherings without complaint.

3. Safety along the Houston Avenue alignment

- a. Worked with the Town Engineer to install a new drive entry and sidewalk on Greenfield Road and the Houston Avenue alignment.
- b. Closed off the existing pedestrian gate and constructed a new entry area including paving, striping, lighting and signage for safety.
- c. Paved approximately 250 ft. by 23ft. of the Houston Avenue alignment on the Church's property to enhance safety for the neighborhood.

The below pictures show the improvements the Elliotts made to the Houston Avenue alignment:



RE: The Elegant Barn
CUP Modification
May 10, 2018

West – to - East



East – to - West



V. REQUEST

The Elliott's are requesting the restriction on the service and consumption of alcohol be modified to allow alcohol to only be served by a licensed, insured, 3rd party vendor who will comply with all applicable state regulations and laws. The Elliott's are not seeking a liquor license for themselves or a liquor license for the Site.

Elegant Barn staff will continue to provide traffic control as they have in the past along the Houston Avenue alignment, including opportunities for clients and their guests to use taxis, ride-sharing services, limousines, and local hotel shuttle services. State and local laws will be followed in serving the alcohol.

VI. OTHER SIMILAR FACILITIES IN THE TOWN

As is detailed in Section II above, the Elegant Barn operates under a considerable amount of restrictions, restrictions that other similarly situated facilities (close proximity to residential homes/neighborhoods) do not have. At least three facilities obtained approvals (two within the Town and one from Maricopa County) for an event facility. The properties are:

- The Cottage (535 S. Gilbert Road),
- Shenandoah Mill (1359 S. Gilbert Road), and
- Portico Weddings & Events (13640 E. Williams Field Road)



RE: The Elegant Barn
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The Cottage – Approximately 124 ft. to nearest residence



The Cottage Use Permit case is scheduled to be heard by the Town's Planning Commission. Staff is recommending approval subject to the following paraphrased conditions:

- The project shall be in substantial conformance with the site plan.
- The applicant shall submit a revised site plan that designates where live music/DJ will be located, ensuring the music will face away from residential neighbors during events.
- The banquet facility shall have a parking agreement with another venue for the additional 48 parking spaces off site if required for an event with the maximum occupancy of 120.



RE: The Elegant Barn
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Shenandoah Mill – Approximately 154 ft. to nearest residence



Approval by the Town of Gilbert of the conference and banquet facility was subject to stipulations “a” through “y.” The following paraphrased stipulations relating to the use of the site as a banquet facility are addressed at:

h. Parking lot and security lighting shall comply with the light and glare criteria set forth in Section 20.33.A of the ULDC. Lighting sources shall not be located within any required setback or bufferyard except for unobtrusive, low level lighting.

k. Noise levels shall not exceed seventy (70) dB at any one time. Measurement of noise levels shall mean the ambient noise level as measured at the property line of the adjacent residential uses.

n. Hours of operation shall be limited to a daily operation of 7:00 a.m. to 10:00 p.m. for the exterior.



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Portico Weddings & Events – Approximately 209 ft. to nearest residence



A recent application has been filed with the Maricopa County Planning Department for a Special Use Permit to allow a wedding venue in the RU-43 zoning district.

IV. COMPATIBILITY WITH ELEMENTS OF GENERAL PLAN

The Elegant Barn banquet facility has been operating under the existing CUP, as modified, for over four years now. The proposed modification to the 2015 CUP will not affect its operation nor cause it to become incompatible with the Town's General Plan.

V. USE PERMIT FINDINGS

The existing use and proposed modification continues to satisfy the Use Permit findings required by Article 5.403(B):

- 1) *The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;*

The Elegant Barn has operated under a CUP since 2014 and has demonstrated by its record that it is a compatible use with the surrounding area. Suitable access is provided to the Site from Greenfield Road, adequate parking is available, and traffic control is provided along the Houston Avenue alignment during events to minimize any potential impact on the adjacent neighbors. Improvements have been made to facilitate pedestrian access and safe passage between the shared



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parking lots. The existing improvements, procedures, and protocols in place will allow the Elegant Barn to continue to be a compatible use with the surrounding area even allowing a licensed, insured 3rd party vendor to provide alcohol during events.

- 2) *The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;*

The Elegant Barn conforms to the General Plan land use classification for the area (Residential (0 – 1 du/ac)), which recognizes that various types of non-residential uses such as churches, schools, etc., including a banquet facility are compatible with residential areas.

- 3) *The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and*

The Elegant Barn, as previously conditioned and with the proposed modification, conforms to the intent of allowing small-scale commercial businesses in residential districts. The Elegant Barn is located along an arterial road (Greenfield Road); does not require ingress or egress east along the Houston Drive alignment; and meets the Town's parking, landscaping, and screening requirements. Permitting alcohol to be served by a licensed, insured 3rd party vendor as set forth in the narrative will not impact the Site's compliance with the Town's LDC. The use of a licensed, insured 3rd party vendor will provide assurance that alcohol will be dispensed in a manner consistent with any legal requirements related to the sale/consumption of alcohol.

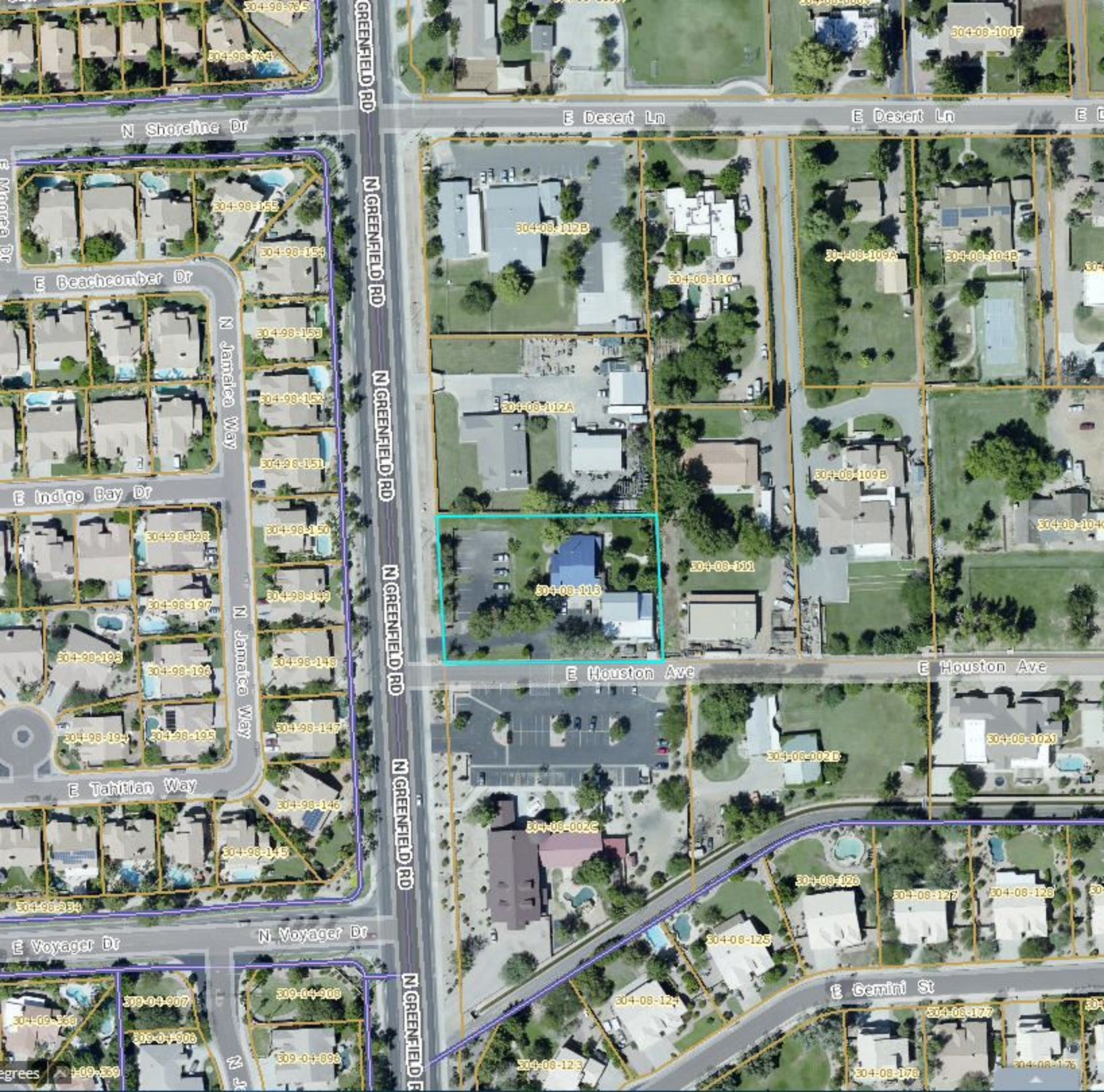
- 4) *The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.*

The Elegant Barn has been operating for more than four years without any significant incident. The Elliott's have demonstrated through their operations that the banquet facility does not unreasonably interfere with the use and enjoyments of the nearby properties. Considerable measures have been taken to ensure that traffic and noise is mitigated. Those same efforts will apply to the service of alcohol by a licensed, insured 3rd party vendor.

VI. CONCLUSION

As is explained above, the proposed Use Permit modification to allow a licensed, insured 3rd party vendor to serve alcohol meets the LDC's Use Permit criteria. The location of the Elegant Barn along an arterial street (Greenfield Road), with direct access to/from the arterial street (without the need for access to/from the residences east of the Site), is an appropriate use for this Site. The Elliotts have taken great lengths to ensure that the Elegant Barn's operations are compatible with the surrounding area. The existing procedures and policies that are used to successfully operate the Elegant Barn will be applied to a licensed, insured 3rd party vendor serving alcohol to customers and guests of the event. State and local laws will be followed in serving the alcohol. We request your approval.

Dennis and Stella Elliott, The Elegant Barn



Response to Planning Commission Study Session comments

Session meeting of 11 July 2018

1. **Question / comment:** Commissioner Oehler asked about how much of the overflow parking has been used and the traffic pattern of vehicles and pedestrians. He remembered in prior discussions that there were lots up the street that were being used for parking.

Response overflow parking: Overflow parking is defined as any parking offsite from the 32 spaces on the Barn parking lots. To date almost all overflow parking has been accommodated on the Spirit-of-Joy parking lot directly south and adjoining the barn property. On the few occasions when more parking space is needed it is satisfied by using a few parking spaces at the Grace Covenant Church two properties north of the Barn on the corner of Greenfield road and Desert Lane. Since opening in 2014 the Barn has only used the Grace parking lots about a total of 9 or 10 times. Usually for only a few cars. On one occasion on 25 October 2014 the Barn did use almost all Grace parking spaces. Additionally, on 14 April 2017, the Barn did rent a property three parcels east on Huston and parked 34 cars on it. The Barn supplied two 6 passenger golf carts to shuttle guests back and forth for the wedding event. At the time, the Barn owners did not realize that parking there was an issue as many of the neighbors use the same lot to park their cars, equipment and trucks.

Response traffic patterns: Arriving guests typically enter either the Spirit-of-Joy parking lot or the Barn parking lot. Just before each event the Barn erects a movable lighted Event Parking sign at the entrance to the Spirit-of-Joy driveway and most guests enter there where Barn parking coordinators direct them to an appropriate place to park either on the barn property or the Spirit-of-Joy property. On the few occasions when guests were directed to park at the Grace Covenant church parking lot, The Barn supplied a parking coordinator for those lots as well.

The barn staff has never directed guests to park anywhere other then these lots since opening in 2014 and is not aware of any guests that have parked anywhere on any neighborhood streets including in adjoining areas such as Desert Lane, Carriage Parc or Val Vista Lake Estates.

2. **Question / comment:** Commissioner Froelich asked why alcohol had been prohibited in the first place. He was told that the original Use Permit approved by the Planning Commission did not limit the alcohol on the site. That was brought in by the Town Council under the appeal. Commissioner Froelich asked why that decision was made.

Response / comment: The Barn owners had agreed to the no alcohol restriction in the neighborhood meetings prior to the Town Council meeting. This was agreed to in order

to calm down the emotions of some of the distant neighbors who were saying things like “your drunks will park on our lawns and run over our children”. This was a new business venture for the Barn owners and they thought this restriction would affect their business by about 20%. So, they gave it up to make peace in the neighborhood.

3. **Question / comment:** Commissioner Bloomfield Felt it would be good to have the information in the next presentation regarding the reasons why Town Council placed that condition related to alcohol.

Response / comment: The response to why the restriction on alcohol was imposed is addressed in response # 2 above.

4. **Question / comment:** Commissioner Bloomfield stated that one of his questions will be whether this facility is being treated differently because it is comparing apples to oranges or if it is due to something else. That will be important for him to understand. If alcohol is being allowed elsewhere in town, perhaps we should take a look at it and grant them that. At this point, if there is nothing else like it in Town, there was a reason why it was granted that restriction and it may need to be upheld.

Response / comment: There are approximately 67 other event / wedding venues within a twenty-five-mile radius of The Elegant Barn. All serve alcohol on their premises. There are at least two very similar venues in Gilbert that are allowed to serve alcohol. They are:

- The Cottage (535 S. Gilbert Road) and Shenandoah Mill (1359 S. Gilbert Road). Each venue operates on a use permit, with restrictions, next to residential properties.
- Gilbert has many other event / wedding venues including:
 - Val Vista Lake Estates
 - Villa Siena
 - Chappal at the Farm
 - Weddings at Trilogy Power Ranch
 - Seville Golf & Country Club
 - Chic Weddings and Events
 - Rustic Pavilion Weddings
 - Enchanted Gardens
 - Webster Farm
 - Doubletree by Hilton
 - The Portico
 - The Falls

All these venues allow alcohol and in addition, the Spirit-of-Joy church that we share parking with allows alcohol at some of their events.



MEMO

TO: Planning Commission
Town Council
Planning Staff

FROM: Board of Directors

DATE: February 28, 2018

RE: Elegant Barn Conditional Use Permit

The Gilbert Chamber of Commerce has reviewed the Elegant Barn's request to serve alcohol on their premises through a conditional use permit. The Elegant Barn has complied with all stipulations under its original 2012 conditional use permit and has had no substantiated claims to negate its efforts to provide a safe environment for its customers and neighbors.

The Elegant Barn has a proven track record of providing a pleasant venue for weddings and compliance to support this request. A precedent of venues throughout our community having the opportunity to serve alcohol puts the Elegant Barn at a significant disadvantage for business growth.

The Gilbert Chamber of Commerce supports the Elegant Barn's request to serve alcohol on their premises as an amendment to its original conditional use permit. Please feel free to call Kathy Tilque if you would like any additional information.

May 9, 2018 Neighborhood Meeting Summary
Elegant Barn

Attendees

Brennan Ray, Burch & Cracchiolo
Ricki Horowitz, Burch & Cracchiolo
Nate Williams, Gilbert Planner
Julie Bader, neighbor (see sign-in sheet)

Overview

- Reviewed exhibits
- Modified stipulation to allow licensed, insured, 3rd party vendors to serve alcohol on site. Vendors will carry insurance and will be licensed by the State
- Owners will not serve the alcohol
- Will continue to operate facility in keeping with existing stipulations
- 2 other sites in Gilbert zoned NC also need Use Permits
- 1 in County going through the UP process as currently zoned RU-43
- Number of people requesting quotes that did not book because there was no alcohol allowed has increased (47% in 2015, 49% in 2016, and 58% in 2017)
- Owner is aware of a previous parking violation when the church & barn had 2 events at the same time and a previous complaint relating to noise¹
- Has traffic attendants at events.

Questions, Answers, and Comments

1. What are the state and local laws for a third-party vendor?
 - a. Not certain. Will look into it.
2. Will open bars, cash bars and champagne toasts be allowed?
 - a. Believe so. Will look into it further. The Site Plan identifies 3 locations where signs will be posted that say no alcohol is allowed beyond this point. Elegant Barn will also provide security outside.²
3. How will owner control drunk people leaving?
 - a. Will need to comply with the laws. The vendor will need to insure people follow rules.

¹ Post Meeting Response: The church & barn event occurred on 4/17/2017 which is why EB rented the lot on Houston for parking and the Town considered it a valid offense. There was a noise complaint in 2/2016; however, the Town did not accept it as a valid complaint.

² Post Meeting Response: There will not be a cash bar. All alcohol will be purchased by the client and placed under the possession of the 3rd party certified bartender service for dispensing to the guests in accordance with state law.

May 9, 2018 Neighborhood Meeting Summary
Elegant Barn

4. Where does traffic enter site?
 - a. There are typically event parking signs that will direct the guests to the church parking lot.
5. Owner voluntarily took alcohol off the table at previous CUP hearings. Feels like it's a bait and switch. The owner wants us to trust him but he hasn't done anything to make us trust him?
 - a. Do not see this as a bait and switch. The CUP is a public process where the neighbors have input. It was not done in a clandestine manner.
6. She is here on behalf of a few of her neighbors. What are her property rights?
 - a. She is welcome at all the public meetings and hearings and can contact Staff.
7. Are there hearing dates?
 - a. There are no dates yet because a complete application has not been submitted yet.
8. No doubt the owner runs a nice business and the 55-decibel level has minimized the noise impact to the neighborhood.
 - a. Agree that the stipulation should remain. Owner put in soundproofing in the barn.
9. She is aware of the Greenfield Road traffic when she moved in. What was most important to her when she moved in about 25 years ago was that there would be no commercial/alcohol nearby. Stipulations from 2015 case have changed to benefit the owner. Previously was supposed to be open 5 days and had shorter hours (now 6 days and hours expanded), speakers were only inside (now can be 15' from barn door), and number of musicians went from 1 to 7. She objects to the changes. With the serving of alcohol/"commercial" use, nothing can get her comfortable with this request.

She also was aware that there was a loud party this past Saturday and she knew it was not coming from Elegant Bar.

End of Meeting.

From: [Julie Bader](#)
To: [Nathan Williams](#)
Subject: Elegant Barn
Date: Tuesday, July 24, 2018 11:25:17 PM

Hi Nathan,

Thank you for the opportunity to forward clarification to the Planning Commission regarding questions about the Elegant Barn.

1) First and foremost, it's important to note that the "No Alcohol" stipulation was initiated by the applicant, NOT the Town Council. This distinction is documented in the minutes and is significant because the CUP was issued on the foundation of Dennis Elliot's assurance to the Town and neighbors that there would be no alcohol at this venue. During the initial application and appeal process, the applicant used the terms "no open bar" and "no alcohol" interchangeably and the Town Council simply asked for clarification. The exact phrase, "Adam Baugh stated there will not be any alcohol served at the Vintage Barn" is documented in the minutes before the Town Council even acted upon the appeal. It is inaccurate to believe the No Alcohol stipulation was initiated by anyone other than the owners of the Elegant Barn.

Of particular interest, if anyone reviews the minutes of the 2012 Planning Commission and Town Council meetings in detail, is how much this venue's operating plan has changed in 6 years. eg. Full time residence/part time business, no outdoor speakers, absolutely no competing events with the church, etc.

2) The owners of the Elegant Barn state they are at a competitive disadvantage with neighboring venues, yet they promoted themselves as not like anyone else. Again, upon review of the minutes, the Barn promoted itself as a full time residence with a part time event venue use. It is also under this premise that the barn was granted its use permit. Similarly, their zoning is different from the venues they compare themselves to in that they are zoned residential. Also, it seems the comparison venues have not sought removal of stipulations on a repeated basis once their permits were granted.

3) For some reason, there are reports (from staff, B. Ray, other neighbors, previous hearings) that the Spirit of Joy Church, with whom the applicant has a shared parking agreement, has numerous alcohol-related events. I'm not sure how this inaccurate information helps make the Elegant Barn's case (perhaps suggests the church has already established a neighborhood precedent), but it is simply not true. In a telephone conversation with Pastor Brian Cain last week. I asked how many alcohol-related events the church has a year other than communion and Oktoberfest and the answer was, "None". Pastor Brian invited anyone who has questions to review the church calendar online or contact him directly.

4) The application does not explain in detail what the state and local liquor laws are in terms of how the Elegant Barn intends to operate. Would the licensed bartender purchase the alcohol or the bride/groom? Will it be a cash bar? An open bar? At one time there was discussion about "wine/beer and a signature drink" that seems to have disappeared. While any amount of alcohol at this site is concerning to the neighbors, it seems the proposed change is remarkably lacking in details.

I have other concerns related to the Elegant Barn and will address them in a separate letter to the Planning Commission, but felt these needed some clarification. Thank you for the

opportunity to contribute to the conversation at this time. Please do not hesitate to contact me if there are any questions.

Sincerely,
Julie Bader

[REDACTED]

From: [John Newman](#)
To: [Nathan Williams](#); [Brigette Peterson](#); Jen.Daniels@gilbertaz.gov; [Scott Anderson](#); [Eddie Cook](#); [Victor Petersen](#); [Jared Taylor](#)
Cc: [Becky](#)
Subject: UP 18-07
Date: Thursday, July 12, 2018 12:59:33 PM

To the Gilbert Town Council,

I respectfully request that you vote to deny Use Permit 18-07. The permit for alcohol sales at the Elegant Barn is entirely based on economic interests of the venue owners. It serves no residential purpose nor benefits area residents in any way.

The zoning for the property in question is residential for a reason. Those of us who live in and near the area should not have to preoccupy ourselves with the decreased inhibitions and judgment and the certain increases of risk and noise posed by the presence of alcohol.

In a residential neighborhood, on property zoned for residential use, business and economic interests should not be allowed to adversely affect or override the safety and privacy concerns of neighbors.

Dennis and Stella Elliot have structured their business with the knowledge that they would not be permitted to serve alcohol. They have been aware of the use restrictions for the property in question since they opened the Elegant Barn. They have been equally aware of the legitimate reasons behind the prohibition on serving alcohol.

That Mr and Mrs Elliot now seek to remove that restriction in order to increase their revenue shows a disregard for their neighbors. Approving UP 18-07 places the Elliot's financial interests above neighborly considerations. Gilbert is a place where good relations between all residents should take precedence over financial benefits to two.

Very respectfully,
John Newman

From: [Sarah Dawn Harris](#)
To: [Brigette Peterson](#); [Eddie Cook](#); [Jared Taylor](#); Jen.Daniels@gilbertaz.gov; [Nathan Williams](#); [Scott Anderson](#); [Victor Petersen](#)
Subject: UP 18-07 denial
Date: Thursday, July 12, 2018 12:32:08 PM

Dear All Persons Deciding the Fate of this Community,

I would like to respectfully request that UP 18-07 be denied. The addition of alcohol service to the Elegant Barn would negatively impact the neighbors. It is well documented that consumption of alcohol can lead to criminal activity such as impaired driving (leading to accidents and deaths), robbery, assault, and partner/child abuse, (<https://www.alcoholrehabguide.org/alcoholcrimes>). At the very least, inebriation can cause uninhibited and loud behavior and vandalism. These behaviors and crimes would not only negatively impact the neighbors, but also put our friends, neighbors, and children at increased risk as they travel on Greenfield to and from work or school.

In 2012, the owners of the Elegant Barn *voluntarily adopted* a “no alcohol” platform and the Town and Planning Commission agreed. In 2015, the Planning Commission did not allow the alcohol stipulation to be removed. The “no alcohol” condition was an affirmation to the community that the applicant and Town understood the negative impact of alcohol at this particularly unique venue. It was an assurance of safety made by the owners AND Town when the permit was given and should not change.

I therefore request that the proposed change in UP 7-18 be denied and Dennis and Stella Elliot be encouraged to pursue other strategies to boost their business.

Thank you for your thoughtful consideration.

Sincerely,

Sarah Harris

--

Sarah Harris

Brad & Marcy Olsen

June 12, 2018

Town of Gilbert, Planning Department
Attn: Linda Edwards, Planning Mgr.
50 E Civic Center Drive
Gilbert, AZ 85296

Planning Department & Planning Commission:

We are neighbors of the Elegant Barn just a few houses up the road on Houston Avenue, and we are writing to offer our support to Dennis and Stella Elliott as they pursue modification of their Conditional Use Permit.

Originally, when the Elegant Barn sought to modify the Conditional Use Permit stipulations a couple of years back, we did not support the changes. At the time, they had only been in operation a short while and we opposed their effort due to our concern for possible issues that have proven to be unfounded. We have watched the business operate for four years now and have not noticed any issues with the Elegant Barn's events or them personally. The venue is maintained in beautiful condition and the Elliott's have proven to be reliable and conscientious members of the neighborhood. This is a vast improvement from the past when the property had gone into foreclosure and fallen into disrepair sitting unoccupied for quite some time. The Elegant Barn has not had a negative impact on the neighborhood, but instead a positive one due to the reliable, conscientious, and professional way that the business is operated. It is for these reasons that we stand in support of the Elliotts as they work to strengthen their business and ensure that their positive impact will continue!

Regards,

Handwritten signatures of Brad and Marcy Olsen in black ink. The signature on the left is 'BO' and the one on the right is 'Marcy O'.

Brad & Marcy Olsen



Declaration of Support

Greetings,

This letter is to state my support for Dennis and Stella Elliott and their business, The Elegant Barn, in obtaining an adjustment to their operating license for allowing an option for alcohol service. I support this change as a vendor and local business who understands that the benefit of such a change will be realized by all interested parties, from the client's freedom to offer an essential service of a traditional wedding, to the businesses and vendors who will book more clients and to the city of Gilbert that will realize higher tax revenue as patrons who want to book the venue will not be forced to look elsewhere.

As a vendor that has worked in the wedding industry for some time, I attest to the fact that the availability of alcohol is an essential element for competitiveness. My experience with Dennis and Stella has been that they run their events with a high level of attention to detail and are conscientious neighbors that are able to contain all issues that can arise during their events. I have every confidence that they are responsible business owners and therefore support them in this endeavor.

Sincerely,

Anthony Montana

[Redacted]

[Redacted]

0.1

July 27, 2017
Ardon Emerson



Mrs. Linda Edwards, Planning Mgr.
Town of Gilbert
90 E. Civic Center Drive
Gilbert, AZ 85296

Mrs. Edwards,

The Elegant Barn is again asking to be treated fairly. Every wedding I have been too has been able to have alcohol and I think they should be able to as well. It's a wedding venue, not a bar.

I live on the property bordering southeast of the barn and enjoy watching the events. It's hard to understand the people who are against this request especially since they don't live very close to the barn and can't be bothered by the events held there.

The Elliott's run a tight ship and don't let anything get out of hand. They have been good neighbors and by knowing them I am sure that if I asked them to do something different on how they run their business they would work with me to fix any issue.

They should be able to be equal to all the other event places and have alcohol.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Ardon Emerson'.

Ardon Emerson

July 27, 2017
Austin Emerson



Mrs. Linda Edwards, Planning Mgr.
Town of Gilbert
90 E. Civic Center Drive
Gilbert, AZ 85296

Mrs. Edwards,

I support the Elegant Barn's request to have alcohol at their events. Weddings have alcohol. The Elegant Barn is at a significant competitive disadvantage not having alcohol.

I live southeast of the barn and drive by the events coming and going so I see the guys directing traffic and they do a good job. I know of one lady in Carriage Park Estates who complains about everything anybody does so I suspect she is going to fight this request as always. She lives behind our house with two sound walls, a canal, an SRP road and a parking lot between her house and the barn.

The Elliott's have been good neighbors and based on the last five years of watching them I know they will control their guests.

Please approve their request to have alcohol.

Thank you,

A handwritten signature in dark ink, appearing to be 'Austin Emerson', written over a horizontal line.

Austin Emerson

To whom it may concern,

Our wedding photography business, BluBird pics, has been a preferred vendor with the Elegant Barn for two years now, and we wish to offer our support for them as they seek to update the terms of their business permit. We like working with the Elegant Barn because we both work hard to achieve excellence in the product that we offer our clients. We have seen firsthand how well they manage their venue and the events that they host and have no doubt that they will extend that level of commitment to events that offer a full list of amenities that they currently cannot.

We work with a lot of venues in the Phoenix area and know that the changes they are looking for will give them the edge they need to become a premiere venue for Gilbert. As local residents with a family, we love working close to home and think that more business for them is a plus for everybody. We hope that you will consider this as you review their request and make decide the best way to proceed.

Thank you,
Lindsay Stephens
Blubirdpics Owner
[REDACTED]

Declaration of Support

Greetings,

This letter is to state my support for Dennis and Stella Elliott and their business, The Elegant Barn, in obtaining an adjustment to their operating license for allowing an option for alcohol service. I support this change as a vendor and local business who understands that the benefit of such a change will be realized by all interested parties, from the client's freedom to offer an essential service of a traditional wedding, to the businesses and vendors who will book more clients and to the city of Gilbert that will realize higher tax revenue as patrons who want to book the venue will not be forced to look elsewhere.

As a vendor that has worked in the wedding industry for some time, I attest to the fact that the availability of alcohol is an essential element for competitiveness. My experience with Dennis and Stella has been that they run their events with a high level of attention to detail and are conscientious neighbors that are able to contain all issues that can arise during their events. I have every confidence that they are responsible business owners and therefore support them in this endeavor.

Sincerely,



Carolina Takahashi
10652 E. Pivotal Avenue
[REDACTED]

November 28th 2017


Declaration of Support

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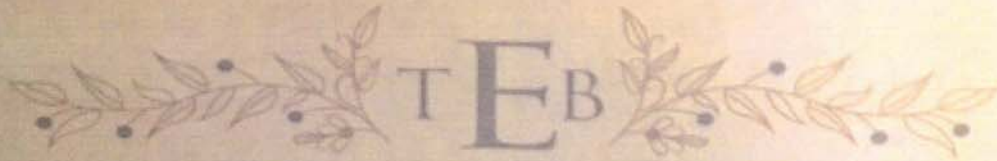
Sincerely,

I 100% support them.

Michael Schmidt
602-546-0010

Michael Schmidt



December 3rd, 2017



Declaration of Support

Greetings,

This letter is to state my support for Dennis and Stella Elliott and their business, The Elegant Barn, in obtaining an adjustment to their operating license for allowing an option for alcohol service. I support this change as a vendor and local business who understands that the benefit of such a change will be realized by all interested parties, from the client's freedom to offer an essential service of a traditional wedding, to the businesses and vendors who will book more clients and to the city of Gilbert that will realize higher tax revenue as patrons who want to book the venue will not be forced to look elsewhere.

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Sincerely,

Denver Porter
cineprose.com

[Redacted contact information]



Felicia Anderson
[Redacted]
[Redacted]

September 1, 2017

To Whom It May Concern,

I have worked with Dennis and Stella as a caterer for two years now and have enjoyed our relationship very much. Their events are always well organized and tightly controlled and that gives me the confidence I need to go about my own business without worry. I see this with all the vendors that work there and see it in the customers as well.

It has always been such a disappointment to see them lose business because of the inability to allow customers to provide alcohol for their guests. They are the only venue that I work with that has this limitation and it is the only reason that I can think of that their bookings are so much lighter than any of the others.

I have no doubt that releasing them from that restriction will bring a good deal more business to the Elegant Barn and the vendors and suppliers that work with them.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized "F" and "A" intertwined.

Felicia Anderson



RACHEL Z WILLES LLC

DJ- MC - Event Planning

[REDACTED] ext

[REDACTED] 3

[REDACTED] n

[REDACTED]



To The Town of Gilbert council members,

Hello, my name is Rachel Willes and I am a valley DJ that has worked many events at The Elegant Barn Venue in Gilbert. I have been in the DJ business for over 20 years and have worked continuously at multiple venues throughout the entire Phoenix area. I definitely have my favorite venues and The Elegant Barn is at the top of the list. The entire staff consistently does an amazing job organizing each event and they work diligently to ensure that all the many details are attended to. Everyone who works at the Elegant Barn are dedicated to performing considerate and comprehensive service for all involved, including clients, vendors and surrounding neighbors. This dedication helps me to do my job effectively and smoothly. I have never received a bad review from any of the events I've participated in at The Elegant Barn. Clients are consistently satisfied with their experience at The Elegant Barn.

It is for this reason that I give my full support to their upcoming appeal to be allowed to offer alcoholic beverages at their venue. I know that making this available to their clients will help bring their business volume in line with most of the other venues in the area as their level of quality service and presentation already demands. The staff at The Elegant Barn are more than capable of monitoring the events and keeping everything running smooth and without incident. The Elegant Barn is a business that contributes to the quality business environment that Gilbert represents and has my full support in helping to ensure that it can continue to grow and thrive. I can testify that the Town of Gilbert has lost business and tax revenue at the Elegant Barn due to the lack of a liquor license. I have contracted with couples I met at Elegant Barn open houses that eventually moved to another location that served alcohol. The ability to offer liquor in a time-controlled environment would enable The Elegant Barn to book more events and thus increase their sales tax contributions to the Town of Gilbert. These clients that then book at The Elegant Barn would stay in Gilbert hotels, shop in Gilbert stores and eat at Gilbert restaurants; all of which contribute to the success of the Town of Gilbert. I am also a Gilbert resident and give my support to this. I would be happy to discuss my experiences and opinions with any town officials. Please feel free to contact me.

Sincerely,

Rachel Willes

DJ Randy K

Mobile DJ & Event Coordinator

10/8/2017

I am a professional DJ that has worked with the Elegant Barn on many of their events over the last few years and am writing today to offer my full support for their effort to acquire the right to include alcohol service in their wedding packages. I have been a DJ in the area for several years and believe that the Elegant Barn is one of the better-managed event venues in Gilbert. Every event is well planned and staffed and every time an issue has arisen, I have seen that they take care of it immediately and thoroughly. Many of the venues I have worked with that do serve alcohol can be much less hands-on than the Elegant Barn, and even then, I have never witnessed an alcohol related issue get out of hand. Because of this, I have the utmost confidence that the Elegant Barn will be more than diligent in making sure that alcohol will not cause any problems at their events and I stand behind their effort to be allowed to do so.

"DJ Randy K"

Randall Kellogg

PHONE

EMAIL

WEB

921 S. Val Vista Dr. Unit 7, Mesa, AZ. 85204

623-533-0346

krandall724@hotmail.com

www.djrandyk.com

August 10, 2017

Mrs. Linda Edwards, Planning Manager

Town of Gilbert

90 E. Civic Center Drive

Gilbert, Arizona 85296


We are the Grace Covenant Church located on the corner of Greenfield Road and Desert Lane just north of The Elegant Barn. On rare occasions, they use our parking lot for overflow parking.

They have informed us that they are planning on again filing a request with the Town to allow alcohol at some of their events. They were turned down for allowing alcohol about three and a half years ago by the Planning Commission on a tie vote.

We supported them then and with an additional three and a half years of experience working with them and watching their professional operation, we again want to support their request. The Elegant Barn holds weddings and receptions and corporate events. These kinds of events do not lend themselves to excessive drinking and if managed properly are legal & acceptable. They are only asking for the ability to be competitive with all other wedding venues and most certainly have demonstrated they know how to control and manage events at their facility.

They have traffic staff at all their events and control guest parking at our church when they use our lot. They inspect and pick up any trash left on our property after they use it. We appreciate them as professional neighbors.

Sincerely,


DARRELL GUSTAFSON
Grace Covenant Church Administrator

Louis & Doris Ramirez



July 28, 2017

Mrs. Linda Edwards, Planning Mgr.
Town of Gilbert
90 E. Civic Center Drive
Gilbert, AZ 85296

Mrs. Edwards,

We are writing this letter to express our neutral position on The Elegant Barn's request to be given the right to serve alcohol. Our property is joined to The Elegant Barn property at its eastern boundary. There are neighbors both for and against alcohol use by anyone and we are friends with many of them. In order to be fair to all of them including the Elliots, we choose to remain neutral on this issue.

We understand that it is a tradition for many families to have wine & champagne served at their events, and we understand the importance of family traditions. It is very often used at communion, and to toast the bride and groom, and as a refreshment for dinner. We realize that alcohol is served at many hotels and restaurants in the Town of Gilbert and is completely acceptable to the town and its citizens.

Since we live next door to Dennis and Stella's business, we frequently see and sometimes hear bits and pieces of some of their events. We have observed the manner in which Dennis and Stella manage their business and admire their ability to contain the traffic, noise and their guest's behavior. They have not impacted us at all and they have been good neighbors. We appreciate that they have always kept their word to us and shown respect for our feelings about their business operation.

Again, our wish to not offend any of our friends prevent us from supporting the use of alcohol, thus our decision to maintain neutrality regarding this situation.

Sincerely,

Louis & Doris Ramirez

A handwritten signature in blue ink that reads "Louis C. Ramirez". The signature is written in a cursive style with a large, stylized "L" and "R".

Declaration of Support

Greetings,

This letter is to state my support for Dennis and Stella Elliott and their business, The Elegant Barn, in obtaining an adjustment to their operating license for allowing an option for alcohol service. I support this change as a vendor and local business who understands that the benefit of such a change will be realized by all interested parties, from the client's freedom to offer an essential service of a traditional wedding, to the businesses and vendors who will book more clients and to the city of Gilbert that will realize higher tax revenue as patrons who want to book the venue will not be forced to look elsewhere.

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Sincerely,

Travis L Borkenhagen



LoveLee Photography
Travis Borkenhagen



December 4^h 2017

Declaration of Support

Greetings,

This letter is to state my support for Dennis and Stella Elliott and their business, The Elegant Barn, in obtaining an adjustment to their operating license for allowing an option for alcohol service. I support this change as a vendor and local business who understands that the benefit of such a change will be realized by all interested parties, from the client's freedom to offer an essential service of a traditional wedding, to the businesses and vendors who will book more clients and to the city of Gilbert that will realize higher tax revenue as patrons who want to book the venue will not be forced to look elsewhere.

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Sincerely,

Montana Meadows
Officiant / Celebrant
Bird of Paradise Weddings

Montana Meadows



November 20th, 2017



[REDACTED]

Zappone's Catering, has had the privilege to have been working with the Elegant Barn event venue as a preferred vendor nearly from the beginning of each of our businesses. This relationship has lasted for many reasons, but above all it has continued due to a firm mutual respect. We both believe in and work to the same principals; we work hard to provide excellent service and an outstanding experience to our clients and together we have a perfect record of sending them home happy. We also work with numerous other venues in the area and it is impressive how well the Elegant Barn considering the limitations that have been imposed on their business. We are sure that without the stipulated limitations, the Elegant Barn has the management skill and an excellent plan to handle the avoidable issues that come with fewer stipulations. This would result in a great deal more business to this area and would benefit the many local business which participate in creating a complete event at The Elegant Barn.

In order to provide the Elegant Barn with the ability to be competitive as a venue in this area, the stipulations which hinder the Elegant Barn should be reconsidered and lifted! We proudly stand by in their support as a fellow small business in the heart of Gilbert.

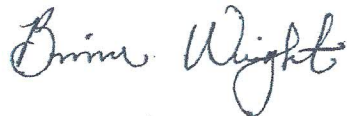
Sincerely,
Dina Zappone

Hello,

My Name is Brian Wright and I am the owner/operator of Native Events Rental company in Gilbert, Az. I have worked with the Elegant Barn as a preferred vendor since they opened in 2014 and have supplied items to almost every event that they have had. I work with a lot of venues throughout the east valley and Phoenix and know how important the ability to serve alcoholic beverages is to a wedding venue. I've supplied items to backyard weddings, public parks, clubhouses and fully licensed venues and the Elegant Barn is the only one where alcohol is prohibited. I do not drink myself, but understand how important it is for people to have alcohol at their celebrations and I have never seen it create a problem for any of the events that I have covered.

My experience with the Elegant Barn is that it is a very well run establishment and I have complete faith that the owners, Dennis and Stella, will manage alcohol with the same meticulousness that they apply to everything else. They have my full support in their appeal to have the current restriction repealed.

Sincerely,

A handwritten signature in cursive script that reads "Brian Wright". The signature is written in dark ink and is positioned below the word "Sincerely,".



To Whom this Concerns:

My name is Kevin Kossman, owner of Piece of Cake Desserts in Gilbert and I have been a vendor for the Elegant Barn many times over the last few years.

I fully support their endeavor to seek approval to serve alcohol at their events. It's been my experience in working with them that they run a tight ship and have a strong degree of control over the events that they hold. Allowing alcohol as an additional option would not create a noticeable difference in my estimation. I have worked at several wedding venues around the valley and see how the Elegant Barn is not able to be competitive with them simply because alcohol is widely considered an essential part of a wedding celebration. They are the only venue I know of that is not able to have it and although they make up for that constraint in style, charm and service, it is easy to see that the only reason that much lesser venues have much higher booking rates, is because people really want alcohol at their wedding. I am sure that they will have a lot more business if this restriction is lifted and would love to be able to work with them more when that happens!

Thank you for your consideration!

A handwritten signature in black ink, appearing to read "Kevin Kossman". The signature is stylized with a long horizontal line extending to the right.

Kevin Kossman
Piece of Cake Desserts



December 8, 2017

Town of Gilbert Development Services
90 East Civic Center Drive
Gilbert, AZ 85296

To Whom It May Concern:

The Elegant Barn has been a good neighbor with Spirit of Joy Lutheran Church for several years now. We have worked well with them regarding matters of mutual interest in parking since they opened in 2014. We are aware they are currently looking into updating the terms of their conditional use permit and would like to state our neutral position as to the final determination of the terms.

Should you have any questions, please do not hesitate to contact me at the listed address.

Sincerely,

Nancy J. Hannigan
Congregational President

Cc: Stella & Dennis Elliott; owners, The Elegant Barn

To Whom It may concern,

My name is Sue Jacobs, I own and operate a well-known wedding cake and treat company here in the valley known as Sue Jacobs Cakes! I have been in this business a long time and have worked with 100's of other wedding venues that vary from mediocre to amazing, and the Elegant Barn is one my favorites!

Dennis and Stella and the entire staff know how to do weddings right. In almost five years of working with them, I have never had an issue or been left to guess about anything. The barn itself is unique, beautiful, has a surplus of charm, and an excellent staff; and every one of their brides that I've had the pleasure to work with as an Elegant Barn preferred vendor has remarked on their qualities. It is a shame that the unusual conditions they have required of their venue deter it from being a solidly booked venue in this area. So many brides that have come to me from other venues have told me that they wished they could have signed with the Elegant Barn, but couldn't sacrifice traditions like a celebratory toast or a wine and bread communion during their ceremony.

I fully expect that if the restrictions are eased, the Elegant Barn will be one of the busiest venues in the valley, and there are some great ones! I give the Elegant Barn my full support in working to have these restrictions changed.

Sue Jacobs Cakes

12-1-2017

10/17/2017

Tasha M Badder

[REDACTED]

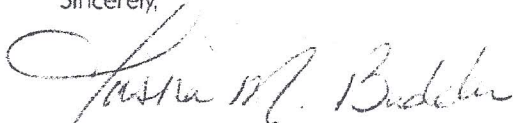
[REDACTED]

To Whom it May Concern,

My name is Tasha and I am a wedding photographer that has been both a vendor and a bride at the Elegant Barn. I am writing to you today to give my support to this beautiful venue in their effort to make alcohol available at their events. As a bride, I can tell you that I chose the Elegant Barn for the look and style of the venue and because Dennis and Stella made me feel confident that they would make sure the details of my wedding would be attended to with care. My husband and I loved the venue but had a hard time finalizing our decision for our wedding because we couldn't imagine celebrating without the usual toast and cocktail hour that most weddings have. In the end, we chose The Elegant Barn because of the amazing staff and beautiful grounds. It was a beautiful wedding and we were very happy with our event, however it is easy to see why many potential clients pass them up due to the lack of ability to provide alcohol.

I have been a preferred vendor at the Elegant Barn for two years now and have worked several events with them in that time. I have always enjoyed working there and have seen that they run their events with a strong attention to the details. It really is a great venue and I know that it would be just as busy as the best ones in the Phoenix area if it didn't come with a big sacrifice like the alcohol restriction. I know they can manage it well and give them my full support in their effort to have the restriction lifted and help their business to flourish.

Sincerely,



Tasha M Badder

Declaration of Support

Greetings,

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Sincerely,

Catherine Johnson
Vintage Photo Booth Rentals

Vintage Photobooth Rentals



November 28th 2017

Declaration of Support

Greetings,

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Sincerely,



VOX DJS INC.

Vox DJs
Dave Watkins

